

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X:
THE NEW YORK TIMES COMPANY :
Plaintiff, :
-against- : No. 3:23-CV-11195-SHS
MICROSOFT CORPORATION, *et al.*, :
Defendants. :
----- X

**DEFENDANT OPENAI OPCO, LLC'S FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1-61)**

6. If production of any requested Document(s) is objected to on the grounds that production is unduly burdensome, describe the burden or expense of the proposed discovery.

7. These Requests are continuing in nature. If You receive or otherwise become aware of information responsive to any Request after You have served Your responses to these Requests, You must promptly supplement Your responses to these Requests to provide such information, as required by Federal Rule of Civil Procedure 26.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All Documents and Communications relating to the alleged reproduction, public display, or distribution of Your Asserted Works via GPT Services.

REQUEST FOR PRODUCTION NO. 2:

All Documents and Communications regarding any attempt by You, including failed attempts, to reproduce any of Your Published Works via GPT Services.

REQUEST FOR PRODUCTION NO. 3:

All Documents and Communications relating to any outputs of GPT Services that allegedly summarize, quote, or otherwise reference Your Asserted Works.

REQUEST FOR PRODUCTION NO. 4:

All Documents and Communications relating to the alleged reproduction, public display, or distribution of Your Asserted Works via Generative AI services other than GPT Services.

REQUEST FOR PRODUCTION NO. 5:

All Documents and Communications relating to any attempt by You, including failed attempts, to reproduce any of Your Published Works via Generative AI services other than GPT Services.

REQUEST FOR PRODUCTION NO. 6:

All Documents and Communications relating to any outputs of via Generative AI services other than GPT Services that allegedly summarize, quote, or otherwise reference Your Asserted Works.

REQUEST FOR PRODUCTION NO. 7:

Documents sufficient to show each of the OpenAI accounts You or Your Agents have created or used, including without limitation Documents sufficient to show the full name associated with the account(s), the username(s) for the account(s), email address(es) associated with the account(s), the organization ID and name associated with the account(s), and date of registration or activation for the account(s).

REQUEST FOR PRODUCTION NO. 8:

All Documents and Communications relating to any allegations that any of Your Asserted Works infringe any third-party rights.

REQUEST FOR PRODUCTION NO. 9:

All Documents and Communications relating to any complaints by any Person regarding alleged plagiarism in Your Asserted Works.

REQUEST FOR PRODUCTION NO. 10:

Documents sufficient to identify the expressive, original, and human-authored content of each of Your Asserted Works.

REQUEST FOR PRODUCTION NO. 11:

Documents sufficient to identify the non-expressive, non-original, or non-human-authored content of each of Your Asserted Works.

REQUEST FOR PRODUCTION NO. 12:

print or on the Internet, regardless of whether the arrangement or agreement was commercial or non-commercial.

REQUEST FOR PRODUCTION NO. 19:

All Documents and Communications relating to Your investigation of the claims alleged in the Complaint.

REQUEST FOR PRODUCTION NO. 20:

All Documents and Communications relating to the creation of Exhibit J of the Complaint, including but not limited to Documents and Communications with any third party or Agent.

REQUEST FOR PRODUCTION NO. 21:

Documents sufficient to show each of the OpenAI accounts created or used by any Person who participated in or was aware of Your use of GPT Services to generate any of the outputs cited in or referred to in the Complaint.

REQUEST FOR PRODUCTION NO. 22:

Documents sufficient to show each of the prompts You have entered into GPT Services, including without limitation Documents sufficient to show any system prompts used, the parameters used in connection with each prompt (including, but not limited to, temperature, model, maximum length, stop sequences, top p, frequency penalty, presence penalty), the date and time on which that prompt was entered, the user account used, and each resulting output.

REQUEST FOR PRODUCTION NO. 23:

Documents sufficient to show the process for obtaining each GPT Services output cited or referred to in the Complaint, including without limitation the full chat log, the prompts used, any system prompts used, the parameters used in connection with each prompt (including, but

not limited to, temperature, model, maximum length, stop sequences, top p, frequency penalty, and presence penalty), each and every output generated by GPT Services as a result of each prompt and parameter combination, the time and date of those queries, and the user account.

REQUEST FOR PRODUCTION NO. 24:

All Documents and Communications between You and other news, media, or writers' organizations and publishers, as well as any other named plaintiff in *Tremblay v. OpenAI, Inc.*, No. 3:23-cv-03223 and *Silverman v. OpenAI, Inc.*, No. 3:23-cv-03416 in the Northern District of California, and *Authors Guild v. OpenAI Inc.*, No. 1:23-cv-08292, *Alter v. OpenAI Inc.*, No. 1:23-cv-10211, *Basbanes v. Microsoft*, No. 1:24-cv-00084, *The Intercept Media, Inc. v. OpenAI, Inc.*, No. 1:24-cv-01515, and *Raw Story Media, Inc. v. OpenAI, Inc.*, No. 1:24-cv-01514 in the Southern District of New York, directly or through any Employee, Agent, or third party, related to copyright and artificial intelligence.

REQUEST FOR PRODUCTION NO. 25:

All Documents and Communications between You and other news, media, or writers' organizations and publishers, directly or through any Employee, Agent, or third party, relating to decisions about whether to license works to OpenAI for purposes of training ChatGPT.

REQUEST FOR PRODUCTION NO. 26:

All Documents and Communications relating to any injury or harm You claim to have suffered as a result of the conduct alleged in the Complaint.

REQUEST FOR PRODUCTION NO. 27:

Documents sufficient to show Your total revenue, broken down by source, including without limitation advertising revenue, revenue from affiliate links, subscription revenue by

Dated: March 8, 2024

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By: 

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2024, a copy of the foregoing **DEFENDANT OPENAI OPCO, LLC'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1-61)** was served by E-mail upon the following:

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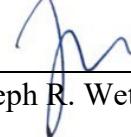
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